

By: Hegar

S.B. No. 534

A BILL TO BE ENTITLED

AN ACT

relating to certain rights and liabilities of an employer regarding an employee's access to a concealed handgun.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PENALIZING EMPLOYEE FOR ACCESS TO OR STORAGE OF CONCEALED HANDGUN

Sec. 52.061. PENALIZING EMPLOYEE FOR ACCESS TO OR STORAGE OF A CONCEALED HANDGUN. (a) A public or private employer may not discharge, discipline, or penalize in any manner an employee because the employee:

(1) applied for a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(2) holds a license under that subchapter; or

(3) transports or stores a handgun the employee is licensed to carry under that subchapter in the employee's locked motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees if the employee has filed with the employee's immediate supervisor:

(A) a written statement signed by the employee stating that the employee:

(i) is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

1 (ii) intends to store a concealed handgun
2 in the employee's locked motor vehicle while parked in a parking
3 lot, parking garage, or other parking area the employer provides
4 for employees; and

5 (iii) may not remove the handgun from the
6 employee's vehicle for any purpose other than self-defense in the
7 immediate parking area; and

8 (B) a copy of the employee's license to carry a
9 concealed handgun issued to the employee by the Department of
10 Public Safety under Subchapter H, Chapter 411, Government Code.

11 (b) An employee discharged in violation of this section is
12 entitled to reinstatement to the same position in which the
13 employee was employed immediately before the employee was
14 discharged.

15 (c) An employee who is discharged, disciplined, or
16 otherwise penalized in violation of this section may bring a civil
17 action against the employer to enforce rights protected by this
18 subchapter. An employee who prevails in such an action is entitled
19 to recover:

20 (1) lost wages and any other compensation lost as a
21 result of the employee being discharged, disciplined, or penalized;

22 (2) reinstatement to the same position or status the
23 employee held immediately before the employee was discharged,
24 disciplined, or penalized; and

25 (3) reasonable attorney's fees.

26 (d) It is a defense to an action by an employee alleging that
27 the employee was discharged, disciplined, or penalized in violation

1 of Subsection (a)(3) that:

2 (1) the employer provided the employee an alternative
3 location on the employer's property for the employee to securely
4 store the employee's handgun while on the employer's property; and

5 (2) the employee did not store the employee's handgun
6 in that alternate location.

7 (e) This section does not prohibit an employer from
8 discharging, disciplining, or penalizing an employee who stores a
9 handgun in the employee's motor vehicle in a parking area of the
10 employer without having satisfied the requirements of Subsection
11 (a)(3).

12 (f) This section does not prohibit an employer from
13 prohibiting an employee licensed to carry a concealed handgun under
14 Subchapter H, Chapter 411, Government Code, from carrying a firearm
15 on the premises of the employer's business. In this subsection,
16 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
17 Code.

18 (g) This section does not authorize a person licensed under
19 Subchapter H, Chapter 411, Government Code, to carry a concealed
20 handgun on any property where the carrying of a concealed handgun is
21 prohibited by state or federal law.

22 SECTION 2. Section 411.203, Government Code, is amended to
23 read as follows:

24 Sec. 411.203. RIGHTS OF EMPLOYERS; LIMITATION ON LIABILITY.

25 (a) This subchapter does not prevent or otherwise limit the right of
26 a public or private employer to prohibit persons who are licensed
27 under this subchapter from carrying a concealed handgun on the

1 premises of the business. In this subsection, "premises" has the
2 meaning assigned by Section 46.035(f)(3), Penal Code.

3 (b) A public or private employer is not liable in a civil
4 action for damages resulting from an occurrence involving the
5 storage in a parking area of the employer of a concealed handgun in
6 the motor vehicle of an employee who is licensed under this
7 subchapter.

8 SECTION 3. The change in law made by this Act applies only
9 to a cause of action that accrues on or after the effective date of
10 this Act. A cause of action that accrues before that date is
11 governed by the law as it existed immediately before the effective
12 date of this Act, and that law is continued in effect for that
13 purpose.

14 SECTION 4. This Act takes effect September 1, 2007.